



**TOWN OF HARPSWELL  
PLANNING BOARD MINUTES  
DECEMBER 21, 2005**  
Approved January 18, 2006

**MEMBERS PRESENT**

John Papacosma, Chairman  
Dorothy Carrier, Vice Chairman  
Joanne Rogers  
George Swallow  
Kenneth Cichon, Associate Member

**MEMBERS ABSENT**

Henry Korsiak

**STAFF PRESENT**

Jay Chace, Planner

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The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by John Papacosma, Chairman.

**Minutes of November 16, 2005**

Joanne Rogers moved, seconded by Dorothy Carrier to accept the minutes as printed. Unanimous Approval

John Papacosma moved, seconded by Dorothy Carrier to appoint Kenneth Cichon as a full voting member for this meeting. Unanimous Approval

John Papacosma reviewed the Planning Board site visits on December 19, 2005.

**OLD BUSINESS**

No old business.

**NEW BUSINESS**

**ITEM 1**

**05-12-01** Lee Theberge, Minor Site Plan Review, addition to existing barn, Interior, Tax Map 35-152, 14 Old Town Road, Orr's Island.

John Papacosma, chair, stated that this application has been withdrawn.

**ITEM 2**

**05-12-02** Douglas Richmond Architects (Tom & Marianne Parciak – owners), Reconstruction of a Non-Conforming Structure, Commercial Fishing, Tax Map 23-75, 21 Steamboat Road, Bailey Island.

Jay Chace pointed out a technical error in the materials provided to the Planning Board.

Tom Parciak described the proposal to remove the existing house and apartment and replace them with a four bedroom house and to remove the trailer and replace it with a seasonal cottage reducing the non-conformity. Mr. Parciak added that they have been working to improve the property since 2001, that this proposal makes the structures more conforming and is an accommodation to the neighbors so that they could have a view of the water.

Douglas Richmond described the new house, the proposed septic, and the cottage. Mr. Richmond stated that this will be an improvement to the area overall and discussed erosion control measures.

The Planning Board held discussion on the status of the existing garage apartment, the location of the proposed seasonal cottage, the location of the septic field, the 30 percent calculations for the septic and the 30 percent calculations for the living space, the floodplain, consideration of the existing structures, the public walking easement, setbacks, the unique characteristics of the site, the reduction in non-conformity, grades and slopes, erosion control, landscaping, adequacy of the septic design, and Shoreland Zoning Ordinance § 10.3.1.2.

James Davis, abutter since 1975, describes the use of the site and his support for the removal of the trailer.

#### **Planning Board consideration of Shoreland Zoning Ordinance § 10.3.2.2**

John Papacosma moved, seconded by Dorothy Carrier that the applicant has placed the dwelling in the least non-conforming area practical and therefore this application be approved as proposed.

George Swallow moved, seconded by Kenneth Cichon to amend the motion to state that “this proposal meets the requirements of Shoreland Zoning Ordinance § 10.3.2.2.” Unanimous Approval

John Papacosma moved, seconded by Dorothy Carrier that the applicant has placed the dwelling in the least non-conforming area practical and therefore this proposal meets the requirements of the Shoreland Zoning Ordinance § 10.3.2.2. Unanimous Approval

#### **Planning Board consideration of § 13.4.7 of the Basic Land Use Code**

##### **13.4.7.1** Will maintain safe and healthful conditions.

John Papacosma moved, seconded by Dorothy Carrier that the proposal will result in fewer non-conformances from both the high-water mark and the property line and therefore meets the requirements of § 13.4.7.1. Unanimous Approval

##### **13.4.7.2** Will not result in water pollution, erosion, or sedimentation to surface waters.

John Papacosma moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of §13.4.7.2 based on the testimony that this proposal will not result erosion and sedimentation on the site and conditioned upon the shoreline being landscaped as an erosion control measure. Unanimous Approval

##### **13.4.7.3** Will adequately provide for the disposal of all wastewater.

Dorothy Carrier moved, seconded by Joanne Rogers to find that the applicant meets the requirements of §13.4.7.3 as the applicant has submitted a septic system designed by a qualified engineer. Unanimous Approval

##### **13.4.7.4** Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

John Papacosma moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of §13.4.7.4 as the proposal will not significantly alter the use of the parcel. Unanimous Approval

##### **13.4.7.5** Will conserve shore cover and points of access to inland and coastal waters.

John Papacosma moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of §13.4.7.5 as there will not be any significant change that will alter the use of this parcel. Unanimous Approval

##### **13.4.7.6** Will protect archaeological and historic resources as identified in the Town’s Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

Dorothy Carrier moved, seconded by Joanne Rogers to find that as the site is none of the resources mentioned are not identified by either the Harpswell Comprehensive Plan or the National Park Service and therefore § 13.4.7.6 is not applicable. Unanimous Approval

**13.4.7.7** Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

Dorothy Carrier moved, seconded by John Papacosma to find that the applicant meets the requirements of § 13.4.7.7 as the application will not significantly alter the use of the parcel. Unanimous Approval

**13.4.7.8** Will avoid problems associated with flood plains development and use.

John Papacosma moved, seconded by Dorothy Carrier to find that the applicant meets the requirements of § 13.4.7.8 based upon the approved Department of Environmental Protection's Permit by Rule. Unanimous Approval

**13.4.7.9** Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

John Papacosma moved, seconded by Joanne Rogers to find that the applicant meets the dimensional standards of §15 of the Shoreland Zoning Ordinance where possible and those parts of the application that do not meet the requirements of §15 the Planning Board has reviewed the necessary standards of § 10.3. and therefore the applicant meets the requirements of § 13.4.7.9. Unanimous Approval

## **OTHER BUSINESS**

There being no other business before the Planning Board, **JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA TO ADJOURN.**

Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Marsha M. Hinton  
Planning Assistant